IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5186 OF 2004

Shri Arun Anant Shelake, .. Petitioner
Vs
1. Mandodari Subhedar Parekar, .. Respondent
Mr Vivek N.Gore i/b Mr M. A.Choudhari, for the petitioner.

CORAM : D.B.BHOSALE, J.

DATE : MAY 02, 2005.

P.C.

1. Heard the learned counsel for the petitioner.

2. This petition is directed against the judgment and order dated 29.3.2003, by which Misc. Civil Appeal No.115 of 2002 filed by respondent nos 1 to 6 has been allowed and petitioner no.1 and respondent nos 7 to 10 have been restrained from causing disturbance to the joint possession of respondent nos 1 to 6 till the decision of the suit. There is a categoric finding recorded by the court below that the petitioners and the respondents are in joint possession over the suit land. Keeping that in view and considering that the order impugned in the present writ petition is operating since March, 2003 and considering the extremely limited jurisdiction of this Court under Article 227 of the Constitution of

India to disturb the finding of fact, I am not inclined to entertain this petition. The writ petition, therefore, fails and is dismissed as such.

3. Keeping in view the peculiar facts and circumstances of this case, the trial Court shall endeavour to dispose of the suit bearing Regular Civil Suit No.18/2002 expeditiously.

(D.B.Bhosale, J.)

/rrt/db-05/b-2505